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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/667,829
Filing Date: September 22, 2003
Appellant(s): KARAOGUZ ET AL.

Joseph Butscher
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/14/2010 appealing from the Office action mailed 04/27/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-12, 14-26, 28-32 and 34-38.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,601,237	Ten Kate et al.	7-2003
2002/0054752	Wood et al.	5-2002
2002/0166127	Hamano et al.	11-2002
2004/0261096	Matz	12-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-6, 9-12, 14-17, 21-26, 28-32, 34, 37 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US 6,601,237)**, herein Ten Kate in view of **Wood et al. (US 2002/0054752)**, herein Wood, further in view of **Hamano et al. (US 2002/0166127)**, herein Hamano.

Consider **claim 1**, Ten Kate clearly teaches a system supporting media display sequencing, the system comprising:

a television display at a first location; **(Fig. 1 Display 9)**

storage at the first location for storing all idle state media; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

a user interface for identifying particular media as one of the idle state media or the user scheduled media, and wherein the user interface is used to choose when the idle state media is displayed; **A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

set top box circuitry at the first location communicatively coupled to the storage at the first location to support consumption of the idle state media and the user scheduled media by the television display according to selected and scheduled times; and the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no user scheduled media is available on the television display at the first location. **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media includes selected stored media arranged according to broadcast times.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location, **(The system creates virtual channels of stored media, [0059]-[0061].)** wherein the user scheduled media includes selected stored media arranged according to broadcast times. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to broadcast times, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 2**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 3**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a packet network interface communicatively coupled to the set top box. **(column 3 lines 39-50)**

Consider **claim 4**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **(column 3 lines 39-50)**

Consider **claims 5**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037]. Hamano)**

Consider **claims 6**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the at least one display device at a second location is one of a plasma display, a liquid crystal display, or a TV screen. **(Fig. 4: Display 411 displays video data, [0046]-[0047] Hamano.)**

Consider **claim 9**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the identified media is pushed to the system. **(The system receives broadcast media, column 3 lines 37-41.)**

Consider **claim 10**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, the method comprising:

selecting particular user stored media as one of idle state media or user scheduled media based upon input from a user at a first location; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

storing all of the idle state media at the first location; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

causing the displaying of the idle state media through set top box circuitry at the first location according to a user defined sequence, if no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media through the set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media includes selected stored media arranged according to times.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location, **(The system creates virtual channels of stored media, [0059]-[0061].)** wherein the user scheduled media includes selected stored media arranged according to times. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to times, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 11**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches the identifying is performed using at least one of a set top box, a personal computer, and a television. **(Fig. 1, column 3 lines 37-67)**

Consider **claim 12**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 14**, see claim 12.

Consider **claim 15**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches receiving media from a second location. **(The media is broadcast from a second location to the receiver via a network, column 3 lines 37-41)**

Consider **claims 16 and 17**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches the receiving is performed using a packet network, wherein the packet network is the a cable infrastructure. **(column 3 lines 37-41)**

Consider **claim 21**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

receiving media at a first location; **(Fig. 1: Tuner 2, column 3 lines 37-55)**

storing the media at the first location; **(Fig. 1: DVR 17, column 4 lines 34-37; Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

selecting the media stored at the first location as idle state media or scheduled media based upon input from a user; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

causing the displaying of the idle state media set top box circuitry at the first location according to a user defined sequence, when no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media includes selected stored media arranged according to broadcasting time.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location **(The system creates virtual channels of stored media, [0059]-[0061].)**, wherein the user scheduled media includes selected stored media arranged according to broadcasting time. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to broadcasting time, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 22**, Ten Kate combined with Wood and Hamano, as in claim 21, clearly teaches the idle state media resides on local storage. **(column 6 lines 20-29)**

Consider **claim 23**, Ten Kate combined with Wood and Hamano, as in claim 21, clearly teaches the user scheduled media resides on at least one of local storage, a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **(column 3 lines 37-41)**

Consider **claim 24**, see claim 17.

Consider **claim 25**, see claim 12.

Consider **claim 26**, see claim 12.

Consider **claim 28**, Ten Kate combined with Wood and Hamano, as in claim 21, clearly teaches causing, immediately, the displaying of the idle state media based upon user input. **(The idle state media may be stored on video recorder 17, column 4 lines 34-37, therefore the media may be played back immediately if the user selects to play the media from the recorder.)**

Consider **claim 29**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

set top box circuitry at a first location communicatively coupled to a storage at the first location to support consumption of idle state media and user scheduled media by a display device, **(Fig. 1: Video processor 8, column 3 lines 61-67)** wherein all of the idle state media is stored in the storage at the first location and scheduled based on time; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no scheduled media is available. **(column 5 line 66 to column 6 line 29)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media is scheduled based on time.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location, **(The system creates virtual channels of stored media, [0059]-[0061].)** wherein the user scheduled media is scheduled based on time. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to time, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 30**, see claim 12.

Consider **claim 31**, Ten Kate clearly teaches a packet network interface communicatively coupled to the set top box. **(column 3 lines 39-50)**

Consider **claim 32**, Ten Kate clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. (**column 3 lines 39-50**)

Consider **claims 34**, see claim 6.

Consider **claim 37**, Ten Kate clearly teaches the identified media is pushed to the system. (**The system receives broadcast media, column 3 lines 37-41.**)

Consider **claim 38**, Ten Kate clearly teaches the display device is one of a plasma display, a liquid crystal display, and a TV screen. (**Fig. 1 Display screen 9 displays television programs, column 3 lines 37-67.**)

3. Claims **7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Hamano et al. (US Patent Application Publication 2002/0166127)** and further in view of **Matz (US Patent Application Publication 2004/0261096)**.

Consider **claims 7 and 8**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate combined with Wood and Hamano, as in claim 1, does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. (**[0052]**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

4. Claims **18-20, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Hamano et al. (US Patent Application Publication 2002/0166127)** and further in view of **Matz (US Patent Application Publication 2004/0261096)**.

Consider **claim 18**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches a media display sequencing system receiving media from a packet network.

However, Ten Kate combined with Wood and Hamano, as in claim 10, does not explicitly teach the packet network is the Internet.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches a packet network delivering media is the Internet. **([0048])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by transmitting media via the Internet, as taught by Matz, for the benefit of providing media from multiple sources.

Consider **claim 19**, Ten Kate combined with Wood, Hamano and Matz, as in claim 18, clearly teaches the second location is a server. **([0048] Matz)**

Consider **claim 20**, Ten Kate combined with Wood, Hamano and Matz, as in claim 18, clearly teaches the server comprises one or more of a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **([0045] Matz)**

Consider **claims 35 and 36**, Ten Kate combined with Wood and Hamano, as in claim 29, clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate combined with Wood and Hamano does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. **([0052])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

(10) Response to Argument

In response to appellant's argument that Ten Kate does not disclose storing idle state media at a first location and a user interface for identifying the particular media as user scheduled or idle state, wherein the user interface is used to choose when idle state media is displayed, the examiner respectfully disagrees. Ten Kate discloses a system in which a user selects programs to include in a virtual channel (col. 4 line 64 to col. 5 line 7) and recorded media is used to fill in overlaps and gaps in the virtual channel schedule. When a gap is encountered in the user created virtual channel a user profile is consulted to determine which recorded program to display during the gap (col. 6 lines 20-28). The content in the user profile may be "explicitly input by the user" (col. 6 lines 12-13). Therefore, a user interface is used to select when a particular recorded program is to be displayed in a virtual channel of user identified scheduled media.

In response to appellant's argument that the combination of Ten Kate, Wood and Hamano does not teach displaying idle state media, stored at the first location, when no user scheduled media is available on the displays at the first location and second location, the examiner respectfully disagrees. Ten Kate clearly teaches recorded content, stored at a first user location, being displayed at the first location. Hamano

teaches idle state media, stored at a first user location, being displayed at a second location ([0037], [0038], [0044]). The combination results in idle state media that is stored at a first location being displayed at the first and a second location.

In response to appellant's argument that the cited references do not show all of the idle state media and user scheduled media being stored at the first location, the examiner respectfully disagrees. Ten Kate teaches storing all of the idle state media at a first location (col. 4 lines 34-37 and col. 6 lines 20-29) and Wood teaches storing all of the user scheduled media at the first location ([0059]-[0061]).

In response to appellant's request for the examiner to identify the specific rationales supporting the conclusion of obviousness, the examiner notes that the rationales and the factual findings supporting each rational are articulated in the detailed rejections of the claims. Specifically, the combinations of Ten Kate, Wood, Hamano and Matz are supported by a teaching, suggestion or motivation in the prior art that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art reference teachings to arrive at the claimed invention. Specific citations of support for the motivation can be found throughout the rejection indicating paragraphs [0010] of Wood and [0037] of Hamano.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 2421

/JOHN SCHNURR/

Examiner, Art Unit 2421

Conferees:

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